

**REMARKS**

The specification has been editorially revised. Claims 1-15 remain in the application.

Claims 1-15 are rejected under 35 U.S.C. § 102 as being anticipated by Powelson. Reconsideration is respectfully requested.

The recording/reproducing apparatus of claim 1 has a test data examining unit that determines whether recorded test data is normal. This is an important aspect of the claimed invention. It makes it possible, for example, to properly reproduce test data and detect multi-level data even where the recording medium has a scratch or a stain at the test data location. Powelson fails to disclose or suggest the recited "test data examining unit examining the reproduction signals of the multi-level data including the test data to determine whether the test data is normal." Consequently, claim 1 should be allowable over Powelson.

Powelson refers to a write compensation system. The system is shown in Figs. 8A, 8B, where Steps 828-840 of Fig. 8B correspond to Step 818 of Fig. 8A. In operation, a test pattern is stored in a buffer (Step 816) and recorded on a disc (Step 828), using an initialized write strategy matrix. The test data is then recovered from the disc and compared to the stored data (Step 833), and the difference is used to update the write strategy matrix (Steps 834-840). If the difference has not converged to a threshold, then the process of Fig. 8B is repeated, unless a maximum number of iterations has occurred (Steps 820, 822). Powelson never examines whether the recorded test data is normal. In contrast to the claimed invention, there is no determination in Powelson as to whether the test data is normal.

Please note that Powelson proceeds from Step 820 to Step 822 regardless of the condition (normal or abnormal) of the recovered test data. The Powelson process could proceed to Step 822 when the recovered test data is normal (but not converged to the threshold). Likewise it could proceed to Step 822 when the recovered test data is abnormal. The only thing that causes the Powelson process to generate an error (Step 824) is reaching the maximum number of iterations. For each iteration, however, there is a different set of recovered test data, based on data written according to a different write strategy matrix.

Claims 2-12 depend from claim 1 and should be allowable along with claim 1. Claims 13-15 recite limitations similar to those discussed above and should be allowable along with claim 1. Moreover, there are also other reasons why the claims should be allowable. Claim 7, for example, says that "test data from the information recording medium is examined again" "when the comparing unit decides that the test data is abnormal." The Powelson system does not refer to recovered test data more than once. Each iteration through Steps 818-820 (Fig. 8A) involves a newly written set of test data, written according to a newly updated write strategy matrix. That is, Step 828 (Fig. 8B) (writing the test sequence) is performed anew for each update to the write strategy matrix (Step 840, 818).

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Allowance of the application is solicited.

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